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c 421 Weed Control Act

Ontario

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CHAPTER 421

The Weed Control Act

1. In this Act,

Interpre-
tation.

- (a) "district inspector" means a person appointed or designated by the Lieutenant-Governor in Council to enforce this Act;
- (b) "inspector" means a person appointed or designated by the council of a municipality to enforce this Act;
- (c) "Minister" means Minister of Agriculture;
- (d) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (e) "regulations" means regulations made under this Act;
- (f) "weed seed" means seed of a noxious weed. 1950, c. 88, s. 1.

2.—(1) The Lieutenant-Governor in Council may designate any plant as a noxious weed, and with the consent of the Minister any municipality may by by-law designate any other plant as a noxious weed within the municipality.

Designation
of plants
as noxious
weeds.

(2) No such by-law shall come into force until it is published in *The Ontario Gazette* and it shall then have the same force within the municipality as if the plant designated as a noxious weed in the by-law had been designated as a noxious weed by the Lieutenant-Governor in Council. 1950, c. 88, s. 2.

Publication
of by-laws.

3.—(1) Every occupant of land, or if the land is unoccupied, the owner, shall destroy all noxious weeds thereon as often in every year as is necessary to prevent the ripening of their seeds.

Duty to
destroy
noxious
weeds.

(2) Where the land abuts a river, stream, lake or other body of water, the occupant or owner, as the case may be, shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of the river, stream, lake or other body of water. 1950, c. 88, s. 3.

Riparian
owners.

Road
authorities.
Rev. Stat.,
c. 166.

4.—(1) For the purposes of section 3 every road authority within the meaning of *The Highway Improvement Act* shall be deemed to be the occupant of the land under its jurisdiction.

Sanction.

(2) Where the Minister is of opinion that any road authority has failed to perform its duty under section 3, the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. 1950, c. 88, s. 4.

Appoint-
ment of
inspectors.

5.—(1) The council of every county, every municipality not forming part of a county for municipal purposes, and every municipality in a territorial district shall, and any town, village or township in a county may, pass by-laws appointing one or more persons as inspectors and fixing the remuneration or other compensation for their services under this Act.

Division of
municipality
into sec-
tions.

(2) Any such council may divide the municipality into sections and appoint one or more inspectors for each section.

Failure to
appoint
inspectors.

(3) Where the appointment of one or more inspectors is required by this Act and the council neglects or refuses to do so, the Minister may in writing addressed to the council appoint one or more persons as inspectors for the municipality, fix the remuneration or other compensation for their services under this Act and direct the treasurer of the municipality to pay the same.

Incom-
petence.

(4) If in the opinion of the Minister any inspector is incompetent or remiss in the discharge of his duties, the Minister may, in writing addressed to the council concerned, annul the appointment of such inspector. 1950, c. 88, s. 5.

Unorganized
territory.

6. Where road commissioners have been appointed under *The Statute Labour Act* in unorganized territory, they shall for the purposes of this Act have the powers and perform the duties of an inspector, and the provisions of this Act and the regulations shall apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act shall be collectable in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. 1950, c. 88, s. 6.

Rev. Stat.,
c. 372.

Powers of
inspectors.

7. In order to search for noxious weeds or weed seeds in his jurisdiction any inspector at any time between sunrise and sunset may enter upon any land, and may enter any

building other than a dwelling house, and may inspect any machinery, implement or vehicle. 1950, c. 88, s. 7.

8.—(1) Where the inspector finds noxious weeds or weed seeds on any land and the occupant, or if the land is unoccupied, the owner, resides within his jurisdiction, the inspector shall confer with him as to a satisfactory method of destroying such noxious weeds or weed seeds, and if satisfactory arrangements are agreed upon, the inspector and the occupant or owner, as the case may be, may draw up and sign a memorandum of the agreement in the form prescribed in the regulations. Agreement for destruction.

(2) Where no such agreement is made or where such agreement is made but the occupant or owner making it fails to carry out its terms, or the inspector is unable to find the occupant or owner at his usual place of residence on two different days, the inspector may issue an order in the form prescribed in the regulations requiring the person named therein to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least three days after the person named in the order has been served with a copy thereof. Order for destruction, residents.

(3) The order shall be served by leaving a copy thereof with an adult person at the usual place of residence of the person named therein or by sending it by registered post addressed to the person named therein at his usual place of residence. 1950, c. 88, s. 8. Service of order.

9.—(1) Where the inspector finds noxious weeds or weed seeds on any unoccupied land and the owner does not reside within his jurisdiction, the inspector may issue an order in the form prescribed in the regulations requiring the person named in the order to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least five days after the person named in the order has been served with a copy thereof. Order for destruction, non-residents.

(2) The order shall be served by sending a copy thereof by registered post addressed to the person named therein at his usual place of residence. 1950, c. 88, s. 9. Service of order.

10. If the person named in an order issued under section 8 or 9 fails to comply therewith, the inspector may cause the noxious weeds or weed seeds to be destroyed in such manner as he may deem proper. 1950, c. 88, s. 10. Failure to comply with order.

11.—(1) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under Expenses of inspectors.

this Act with respect to each parcel of land concerned, and he shall serve a statement thereof, together with a notice requesting payment, on the occupant of the land, or if it is unoccupied, on the owner thereof.

Service of
statement.

(2) The statement and notice shall be served in the same manner as an order under section 8 or 9, as the case may be.

Appeal.

(3) If the person on whom the statement was served considers the amount of the expenses to be excessive, he may, within seven days after the statement has been served on him, appeal to the council of the municipality and the council may confirm the statement or vary it in any way it deems proper.

Refusal or
failure to
pay.

(4) If the occupant or owner, as the case may be, refuses or neglects to pay the amount set out in the statement, or determined on appeal to be payable, within 15 days after the request for payment or in the event of appeal, the disposition of the appeal, the inspector shall present the statement to the council and the council, if the statement is proper, shall allow it and order it to be paid out of the general funds of the municipality.

Collection.

(5) The council shall cause every amount so paid out to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Assessment Act*. 1950, c. 88, s. 11.

Rev. Stat.,
c. 24.

Subdivided
areas.

12. Notwithstanding any other provision of this Act, the council of any city, town, village or township after publication of notice thereof in a newspaper having general circulation in the municipality may direct any of its inspectors to cause the noxious weeds or weed seeds on any subdivided portions of the municipality to be destroyed in such manner as he may deem proper, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Assessment Act* subject to an appeal to the court of revision of the municipality at any time during the year in which such amounts are placed on the collector's roll. 1950, c. 88, s. 12.

Rev. Stat.,
c. 24.

Appoint-
ment of
district
inspectors.

13.—(1) The Lieutenant-Governor in Council may for the purposes of this Act divide Ontario into districts and may appoint one or more persons as district inspectors to enforce this Act in any such district.

(2) Every district inspector within his district shall have ^{Powers.} all the powers of an inspector. 1950, c. 88, s. 13.

14.—(1) Where a district inspector finds noxious weeds ^{Notice to} or weed seeds on any land within the limits of any municipality ^{destroy.} in his district, he may deliver or send by registered post to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before the date specified in the notice.

(2) Where any such notice is not complied with, the district ^{Failure to} inspector may cause the noxious weeds or weed seeds to be ^{comply with} destroyed in such manner as he may deem proper. ^{notice.}

(3) The expenses incurred by a district inspector under ^{Expenses} subsection 2 shall be payable on demand by the municipality ^{and charges.} concerned and shall be recoverable in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due the Crown, and in any such action the certificate of the Minister as to the amount of such expenses shall be conclusive evidence thereof. 1950, c. 88, s. 14.

15. No person shall deposit or permit to be deposited any ^{Disposal.} noxious weeds or weed seeds in any place if to do so is likely to cause the weeds or weed seeds to grow or spread. 1950, c. 88, s. 15.

16. No person shall move or cause to be moved any ^{Cleaning of} machine used for threshing, combining, seed cleaning, chop- ^{machines.} ping, baling, silo filling or other processing of farm crops without first removing all seeds and other residue therefrom if to do so is likely to cause noxious weeds or weed seeds to grow or spread. 1950, c. 88, s. 16.

17. Every person in charge of a grain elevator, grist mill, ^{Grain ele-} flour mill, seed-cleaning plant or other grain-cleaning or grain- ^{vators, etc.} grinding plant shall dispose of all refuse containing weed seeds in such manner as will prevent the weed seeds from growing or spreading. 1950, c. 88, s. 17.

18.—(1) No person shall operate a seed-cleaning plant ^{Seed-clean-} without a licence therefor from the Minister, but notwith- ^{ing plants,} standing the issue of a licence no person shall operate a seed- ^{licence.} cleaning plant when its efficiency is lower than the minimum standards prescribed in the regulations.

(2) The fee prescribed for the licence or any renewal ^{Where no} thereof shall not be payable if the seed-cleaning plant is used ^{fee payable.} only for cleaning the grain and seed of its owner. 1950, c. 88, s. 18.

Offences and penalties.

19. Every person who contravenes any of the provisions of this Act or of the regulations or who refuses or neglects to obey any lawful order of any inspector or district inspector or who interferes with or obstructs any inspector or district inspector in the performance of his duties shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50. 1950, c. 88, s. 19.

Regulations.

20. The Lieutenant-Governor in Council may make regulations,

- (a) designating plants as noxious weeds;
 - (b) prescribing methods and procedures for the destruction of noxious weeds and weed seeds;
 - (c) prescribing methods and procedures to be taken to prevent the establishment of any noxious weed in any locality;
 - (d) regulating and governing the transportation of farm produce that is infested with noxious weeds or weed seeds;
 - (e) providing for the issue, term, transfer, renewal, suspension or cancellation of licences for seed-cleaning plants and prescribing the fees to be paid therefor or the renewal thereof;
 - (f) prescribing minimum efficiency standards for seed-cleaning plants;
 - (g) providing for the reimbursement of municipalities for any part of the moneys expended under this Act from such moneys as may be appropriated by the Legislature for the purpose;
 - (h) prescribing the forms required by this Act;
 - (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1950, c. 88, s. 20.
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